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United States Department of Agriculture

SERVICE AND REGULATORY ANNOUNCEMENTS No. 115
(AGRICULTURAL ECONOMICS)

REGULATIONS

OF THE SECRETARY OF AGRICULTURE
UNDER THE

UNITED STATES COTTON STANDARDS ACT

EFFECTIVE OCTOBER 1, 1928

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UNITED STATES DEPARTMENT OF AGRICULTURE,

Washington, D. C.

By virtue of the authority vested in the Secretary of Agriculture by the United States cotton standards act of March 4, 1923 (42 Stat., p. 1517), I, R. W. Dunlap, Acting Secretary of Agriculture, do prescribe, publish, and give public notice of the following regulations, to be in force and effect on October 1, 1928, and until amended or superseded by regulations hereafter made by the Secretary of Agriculture under said act.

In testimony whereof I have hereunto set my hand and caused the official seal of the Department of Agriculture to be affixed in the city of Washington this 11th day of September, 1928.



R. W. DUNLAP,

Acting Secretary of Agriculture.

(II)

REGULATIONS OF THE SECRETARY OF AGRICULTURE UNDER THE UNITED STATES COTTON STANDARDS ACT ¹

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Regulation 1.—Definitions

SECTION 1. Words used in these regulations in the singular form shall be deemed to import the plural, and vice versa, as the case may demand.

SEC. 2. As used throughout these regulations, unless the context otherwise requires, the following terms shall be construed, respectively, to mean:

Paragraph 1. The act.—The United States cotton standards act, approved March 4, 1923 (42 Stat. p. 1517), with such amendments as may be made from time to time.

Par. 2. Exchange.—Exchange, board of trade, association, or similar institution or place of business, recognized as such by the Secretary.

Par. 3. Custodian.—Person who has possession or control of cotton or of samples, as agent, controller, broker, or factor, as the case may be.

Par. 4. Person.—Individual, association, partnership, or corporation, or two or more individuals having a joint or common interest.

Par. 5. Owner.—Person who through financial interest owns, controls, or has the disposition either of cotton or of samples.

Par. 6. Bureau.—Bureau of Agricultural Economics of the United States Department of Agriculture.

Par. 7. Exchange inspection bureau.—The inspection bureau of any exchange which may have an organized inspection bureau recognized as such by the chief of the bureau.

Par. 8. Board.—Board of cotton examiners.

Par. 9. Official cotton standards.—Official cotton standards of the United States for grade and color for American upland cotton and for American Egyptian cotton, and for length of staple, adopted by or established pursuant to the act or any change or replacement thereof.

Par. 10. Universal standards.—The official cotton standards of the United States for grade and color for American upland cotton.

Par. 11. Upland cotton.—All cotton grown anywhere within the continental United States, including the growths sometimes referred to as upland, Gulf, and Texas cotton, but excluding the Sea Island and America Egyptian varieties.

¹ This supersedes Service and Regulatory Announcement No. 95 (Agricultural Economics).

Par. 12. Supervisor of inspection.—An officer of the Department of Agriculture designated as such by the chief of the bureau or by the chairman of a board of examiners.

Par. 13. Secretary.—The Secretary of Agriculture of the United States.

Par. 14. Regulations.—Regulations made under the act by the Secretary.

Par. 15. License.—A license issued under the act by the Secretary.

Par. 16. Licensed classifier.—A person licensed under the act by the Secretary to classify cotton according to the official cotton standards of the United States and to certificate the classification of the same.

Par. 17. State.—A State, Territory, or District of the United States.

Par. 18. Cotton examiner.—An officer of the Department of Agriculture so designated by the chief of the bureau.

Par. 19. Dispute.—A disagreement between the parties as to the true classification of any cotton not tendered for delivery on a contract under the United States cotton futures act or as to its relative classification when compared with a type or other samples.

Par. 20. Party.—A party to a dispute.

Par. 21. Cotton.—The word "cotton" as used in the act means cotton of any variety produced within the continental United States, including linters. In these regulations, for administrative convenience, the word "cotton" is used to signify vegetable hair removed from cottonseed in the usual process of ginning, and the word "linters" as defined in paragraph 22.

Par. 22. Linters.—Vegetable hair removed from cottonseed subsequent to the usual process of ginning.

Regulation 2.—Administrative and General

SECTION 1. The chief of the bureau is charged with the supervision on behalf of the United States Department of Agriculture of the performance of all duties arising in the administration of the act.

SEC. 2. There shall be located at New York, N. Y., at New Orleans, La., at Houston, Tex., and, when necessary in the opinion of the chief of the bureau, at any other point that he shall designate for the purpose, a board of cotton examiners. An appeal board of review examiners shall be constituted to which may be referred for review appeals from the classification and/or comparison of cotton performed by other boards appointed in accordance with this section. The appeal board of review examiners shall be located at Washington, D. C., except when the chief of the bureau shall require that it meet to perform its functions elsewhere. The members of all boards and the chairman of each shall be designated for the purpose by the chief of the bureau.

SEC. 3. The chief of the bureau shall designate a secretary for each board. It shall be the duty of the secretary of the board to receive all correspondence relating to the classification of cotton under the act and to see that all samples are prepared for classification and/or comparison in such manner that the name of the owner and/or the custodian shall be unknown to the members of the board, who are detailed to classify or compare the cotton, until after the samples are classified.

SEC. 4. In the event of the absence or incapacity of the secretary of the board, the chairman of the board shall designate temporarily an acting secretary of the board in his stead. Any person thus designated shall be thereby disqualified to act as a member of the board in the classification of cotton during the term of such temporary appointment.

SEC. 5. The chief of the bureau whenever he deems necessary may designate an officer of the Department of Agriculture as supervisor of cotton inspection, who shall supervise the inspection and sampling of cotton and perform such other duties as may be required of him in administering the act and these regulations. The secretary of the board may or may not be a supervisor of inspection.

SEC. 6. Subject to these regulations and the instructions of the chief of the bureau, the chairman of each board shall be responsible for the proper performance of the duties imposed on such board and on the persons connected therewith.

SEC. 7. For the purposes of the act, the classification and comparison of any cotton, samples or types submitted to the Department of Agriculture shall be determined or made only by cotton examiners properly qualified and designated as such by the chief of the bureau, and the certificate of a board of cotton examiners with respect to any cotton shall be deemed to be the certificate of the Department of Agriculture.

SEC. 8. The inspection, sampling, and classification of cotton in the United States pursuant to the act shall be performed as prescribed in regulations 3 to 13, inclusive, and the inspection, sampling, and classification of linters as prescribed in regulation 14.

SEC. 9. Whenever any association or exchange in any other country than the United States shall adopt the Universal Standards and establish them as the basis of all transactions and contracts for American upland cotton, made and executed according to its rules, the chief of the bureau may appoint certain members or officials of such exchanges as cotton examiners. In so far as the administration of the act applies to cotton involved in contracts made in accordance with the rules of such exchange, the administration shall be as prescribed in regulation 15.

Regulation 3.—Requests for Classification and Comparison

SECTION 1. For each lot or mark of cotton which the applicant desires classified or compared separately he shall make a separate written request specifying which one of the following three forms of service is desired:

(1) *Form A determination.*—The informal classification or comparison, or both, of samples submitted for the purpose. Such informal classification or comparison shall be evidenced by a Form A memorandum which shall not be subject to review or appeal.

(2) *Form B determination.*—The formal classification or comparison, or both, of samples submitted by mutual agreement of two or more parties to a dispute. The classification or comparison in such cases shall be evidenced by a Form B certificate which shall be subject to appeal as provided in section 4 of regulation 9.

(3) *Form C determination.*—The formal classification of bales of cotton, to be sampled under the supervision of a supervisor of inspection. The classification in such cases shall be evidenced by a Form C certificate which shall be subject to review as provided in regulation 9.

SEC. 2. Requests for classification or comparison made in accordance with section 1 of this regulation shall contain such information as the chief of the bureau may require.

SEC. 3. *Paragraph 1.* In cases of dispute, in which Form B determinations are requested, it may be required that the request be accompanied by a stipulation signed by the parties or by their agents and dated, and containing the following information:

(a) The names and post-office addresses of the parties, or their agents, if any, signing the stipulation.

(b) The exchange, association, or other body, if any, under whose rules the contract was made.

(c) The interests of the parties in such contract.

(d) The respective claims of each party as to the quality or grade or length of staple of each bale or other package of cotton involved in the dispute, and the facts material thereto.

(e) The marks identifying each bale or other package of cotton in dispute.

(f) The place or places where it is located.

(g) That the parties have agreed upon samples to be submitted.

Par. 2. In the adjustment of disputes, or when otherwise necessary, the bureau shall observe the definitions of terms laid down in the rules or regulations of the exchange or other body under which the contract was made, except that when two grades are used to describe a single lot of cotton without reference to the proportions of each, unless a different meaning be evident from the language of the contract or the rules under which it was made, the description shall be construed to mean that no bale in the lot is intended to be below the lower or above the higher grade of the description. The same principle shall be observed when two staple lengths not expressed in millimeters are similarly employed in a single description.

Par. 3. No dispute under this regulation shall be entertained with respect to cotton tendered for delivery on a contract under the United States cotton futures act, or with respect to which a Form C certificate has previously been issued.

SEC. 4. All requests for classification or comparison in the United States leading to Form A memoranda and Form B certificates shall be filed with the secretary of the board of cotton examiners or with the supervisor of inspection at the place where the cotton is located. If there is no board at

that point and no supervisor of inspection is stationed there, requests shall be filed as follows except as provided in paragraph 5 and except where for good cause the chief of the bureau may otherwise direct:

Paragraph 1. In the States of Louisiana, Arkansas, Missouri, Tennessee, Mississippi, Alabama, Florida, Georgia, South Carolina, North Carolina, and Virginia, with the secretary of the board of examiners at New Orleans, La.

Par. 2. In the States of Arizona, California, New Mexico, Oklahoma, and Texas, with the secretary of the board of examiners at Houston, Tex.

Par. 3. In the States of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, and Maryland, and in foreign countries not otherwise provided for in regulation 15, with the secretary of the board of examiners at New York, N. Y.

Par. 4. In all other States, with the secretary of the board either at New York, N. Y., at New Orleans, La., or at Houston, Tex.

Par. 5. Requests for classification or comparison leading to Form A memoranda and Form B certificates may, where desired, be filed directly with the Appeal Board of Review Examiners at Washington, D. C.

SEC. 5. Requests for classification leading to Form C certificates shall be filed with the secretary of the board of examiners at the place where the cotton is located or in case there is no board at that point with the supervisor of inspection.

SEC. 6. No request shall be filed for a determination of the classification of any cotton described by terms of which the word "millimeter" is a part.

SEC. 7. In order to relieve the boards of duplicated or unnecessary labor, not more than one request for the informal classification of the same cotton shall be filed. Whenever the chief of the bureau or the chairman or secretary of the board with which the request was filed shall find it to be expedient, samples submitted for informal classification, together with the accompanying request, may be transferred to another board for classification.

SEC. 8 Any classification request may be withdrawn by the applicant at any time before the classification of the cotton covered thereby, subject to the payment of such fees, if any, as may be prescribed in regulation 13. Any classification request may be rejected by the chairman of the board or the chief of the bureau for noncompliance with the act or these regulations.

Regulation 4.—Submission and Disposition of Samples for Form A and Form B Determinations

SECTION 1. Samples of cotton submitted to a board of cotton examiners for classification and/or comparison shall be drawn from both sides of the bale and shall be delivered to the secretary of the board with which the request was filed, as soon as possible after the filing of such request. All transportation charges incident to the submission of samples shall be prepaid by the party making the request or by his agent.

SEC. 2. All such samples shall be inclosed in one or more wrappers, which shall be labeled or marked or both in such manner as to show the name and address of the owner, the lot number or marks if any, the number of bales represented by the samples contained in each wrapper, and such other information as may be necessary in accordance with the instructions of the chairman of the board or of the chief of the bureau. Each sample of sandy or dusty cotton shall be inclosed in a separate wrapper.

SEC. 3. If any samples are lost, damaged, or mutilated, or are received in packages arriving in a condition which may be considered to alter the representative character of the sample, the secretary of the board shall note all the facts, including the number of missing samples and the tag numbers identifying the samples received and shall so inform the person who made the request. The classification or comparison of such samples shall be deferred until the person making the request shall advise in writing whether he wishes the classification or comparison made at once or delayed until he substitutes other samples. If the samples are submitted for purposes of adjusting a dispute, both parties shall be given identical information as to the condition in which the samples arrived, and the approval of both parties of the use of the damaged samples or of the redrawn samples shall be required before the classification shall proceed.

SEC. 4. When so stipulated in the classification request, samples submitted for informal classification shall be returned to the person making the request at

his expense at the time the certificate is issued or when the request for classification is withdrawn or rejected; otherwise, such samples shall be disposed of in accordance with section 6 of this regulation.

SEC. 5. Samples of cotton submitted for classification and/or comparison in the adjustment of a dispute shall remain in the possession of the secretary of the board to which they are delivered until the expiration of the time permitted for filing an appeal as provided in regulation 9, or, if an appeal is filed, until the classification has been reviewed. If so requested by the party who submitted the samples for original classification, the samples shall be returned to him or to any person whom he may designate at the end of such time or after such appeal, as the case may be; otherwise, they shall be disposed of as provided in section 6 of this regulation.

SEC. 6. Samples not removed in accordance with these regulations and loose cotton separated from the samples in the handling and classification thereof by a board shall become the property of the Department of Agriculture. Such cotton shall be disposed of in the manner prescribed for other property by the property regulations of the Department of Agriculture, but the proceeds thereof shall be deemed to be part of the costs of classification pursuant to these regulations. Such proceeds shall be deposited with other moneys received in payment of costs to the credit of the revolving fund provided in section 5 of the act.

Regulation 5.—Submission of Cotton, Supervision and Sampling, in Form C Determinations

SECTION 1. All cotton submitted to the Secretary or to his duly authorized representatives for the purpose of classification or certification, in accordance with section 4 of the act, shall, except as otherwise provided in these regulations for the informal classification of samples or the adjustment of disputes, be submitted in accordance with this regulation.

SEC. 2. All cotton submitted in accordance with this regulation shall be stored in storage places approved by the chief of the bureau and under the jurisdiction of an exchange inspection bureau. The exchange inspection bureau, under the supervision or control of which any cotton classified pursuant to this regulation shall be held or stored, shall furnish to the board which classified such cotton, on the first business day of each week, a written statement of all certificated cotton withdrawn from storage, or the lot number of cotton the identification of which has been changed, or which has otherwise been removed from the supervision or control of such exchange inspection bureau, during the next preceding week. Such statement shall show each lot number, and if changed, the new lot number, and in case of the withdrawal or removal of a portion only of the lot, the tag numbers of the bales so withdrawn or removed. If such removal be to a different place of storage under the supervision or control of the exchange inspection bureau, the statement shall show the new location.

SEC. 3. The inspection and sampling of cotton of which classification is desired shall be subject to the supervision and in accordance with the instructions of a supervisor of cotton inspection.

SEC. 4. The owner or custodian of the cotton shall cause the cotton to be made available to such supervisor for such examination as may be necessary for the purposes of its classification, and shall take such steps as may be necessary to secure its proper inspection and sampling and the proper preparation and delivery of representative samples thereof at the place designated therefor, in accordance with these regulations, without expense to the Department of Agriculture.

SEC. 5. No person shall, after notice by the chief of the bureau, be employed in any way in connection with any phase of the inspection and sampling of cotton, or the preparation of the samples thereof, for the purposes of classification under these regulations, who for good cause is disapproved by the chief of the bureau.

SEC. 6. One sample shall be drawn from the top side of each bale and one from the bottom side. Each such sample shall weigh not less than three (3) ounces. The head of the bale shall be properly inspected, and any conditions not fully indicated by the samples shall be specified by the inspector or the sampler of the cotton in a written memorandum to the board, which shall accompany the samples.

SEC. 7. In addition to the samples hereinbefore prescribed, separate samples, if desired, may be drawn and furnished to the owner or custodian of the cotton.

SEC. 8. All persons in any way connected with the inspection and sampling and handling of samples of cotton for the purpose of classification, pursuant to these regulations, shall carefully handle them in such manner as not to cause loss of sand therefrom or any change otherwise in their representative character.

SEC. 9. Any sample or set of samples which does not meet the requirements of these regulations or which does not correctly represent the bale or bales from which drawn may be rejected by a supervisor of cotton inspection or the secretary or chairman of the board. Whenever the supervisor of cotton inspection or the chairman of the board shall find it necessary, in order to determine the true classification of any bale, such bale shall be reinspected and, if necessary, resampled, and the new samples shall be delivered at the place designated therefor in accordance with these regulations.

SEC. 10. The samples may be removed by the holder of the certificate covering the same (a) after 90 days from the date of withdrawal of the cotton from supervision, or (b) after the surrender to the board for cancellation of the certificate covering the cotton represented thereby without the issuance of a new certificate in lieu thereof. In either case if the holder of the certificate desires to remove the samples, he must do so within seven days after the date on which he becomes entitled to remove them in accordance with this section.

SEC. 11. If a classification request shall be withdrawn prior to the classification of the cotton pursuant thereto, the applicant may, within seven (7) days after the date of such withdrawal, remove any samples of the cotton involved then in the possession of the Department of Agriculture.

SEC. 12. Samples not removed in accordance with this regulation shall be disposed of in accordance with section 6 of regulation 4.

Regulation 6.—Classification

SECTION 1. The classification of all cotton samples shall be according to the Universal Standards or other official cotton standards of the United States in effect at the time.

SEC. 2. All cotton for which requests for classification or comparison shall be pending shall be classified as far as practicable in the order in which proper samples thereof, ready for such classification or comparison, shall have been delivered to the board whose duties include the examination thereof, except as otherwise provided in these regulations or when the chairman of the board or the chief of the bureau shall find that an emergency exists and shall order otherwise, but the informal classification of samples shall yield precedence to the classification and certification of cotton in accordance with regulation 5 or with the adjustment of disputes in Form B determinations.

SEC. 3. Classification shall not proceed until the samples, after being delivered to the board, shall have been exposed for such length of time as in the judgment of the chairman shall be sufficient to put them in proper condition for the purpose, which time in the case of freshly drawn or damp samples shall be not less than 12 hours.

SEC. 4. Such classification shall proceed as rapidly as possible, but not when light or other conditions make uncertain the accuracy of the results to be obtained.

SEC. 5. If a sample drawn from one portion of a bale is lower in grade or shorter in length than one drawn from another portion of such bale, except as otherwise provided in these regulations, the classification of the bale shall be that of the sample showing the lower grade or shorter length.

SEC. 6. *Paragraph 1.* If cotton be reduced in value, by reason of the presence of extraneous matter of any character or irregularities or defects, below its grade according to the official cotton standards of the United States, the grade to the value of which it is so reduced and the quality or condition which so reduces its value shall be determined and stated.

Par. 2. When because of irregularities or defects of staple a typical portion of the fiber can not be satisfactorily segregated for measurement, the staple length of any cotton shall be reduced to that which normal regular cotton should have to be of equivalent value. In such case the length to which the cotton is reduced shall be determined and stated: *Provided, however,* That if any cotton is so determined to be less than three-fourths of an inch in staple, it shall be sufficient if such fact and the irregularity or defect be stated.

SEC. 7. For the purposes of classification of any cotton or of its comparison with a type or other samples, the following terms shall be construed, respectively, to mean:

(a) *Cotton of perished staple*.—Cotton that has had the strength of fiber, as ordinarily found in cotton, destroyed or unduly reduced through exposure to the weather either before picking or after baling, or through heating by fire, or on account of water packing, or by other causes.

(b) *Cotton of immature staple*.—Cotton that has been picked and baled before the fiber has reached a normal state of maturity, resulting in a weakened staple of inferior value.

(c) *Gin-cut cotton*.—Cotton that shows damage in ginning, through cutting by the saws, to an extent that reduces its value more than two grades.

(d) *Reginned cotton*.—Cotton that has passed through the ginning process more than once, and cotton that, after having been ginned, has been subjected to a cleaning process and then baled.

(e) *Repacked cotton*.—Cotton that is composed of factors', brokers', or other samples, or of loose or miscellaneous lots collected and rebaled.

(f) *False packed cotton*.—Cotton in a bale (1) containing substances entirely foreign to cotton, (2) containing damaged cotton in the interior with or without any indication of such damage upon the exterior, (3) composed of good cotton upon the exterior and decidedly inferior cotton in the interior, in such manner as not to be detected by customary examination, that is, a plated bale, or (4) containing pickings or linters worked into the bale.

(g) *Mixed packed cotton*.—Cotton in a bale which in the samples drawn therefrom (1) shows a difference of more than two grades, if of the same color; or (2) if of the same grade, is blue stained and either white spotted, yellow tinged, light stained or yellow stained, or which, if none is blue stained, shows a difference of more than two color gradations; or (3) if the samples are of different grade and different color and show a variation in quality exceeding that between one grade in one color and the next higher or lower grade in the next higher or lower color; or (4) shows a difference in length of staple exceeding four thirty-seconds of an inch.

(h) *Water-packed cotton*.—Cotton in a bale that has been penetrated by water during the baling process, causing damage to the fiber, or a bale that through exposure to the weather or by other means, while apparently dry on the exterior, has been damaged by water in the interior.

Regulation 7.—Sample or Type Comparison

SECTION 1. When a comparison of cotton samples with other actual samples or with a type without a statement of the true classification is requested, the procedure and methods shall be as outlined in this regulation.

SEC. 2. Such comparison may be requested in respect to grade and/or staple or any physical characteristics of the cotton involved, including any of the component qualities embodied in the grade, but no comparison shall be made except in respect to the qualities specified in the request.

SEC. 3. The methods of submitting samples and types to the Department of Agriculture for examination and comparison shall be as prescribed in regulation 4.

SEC. 4. In the comparison of cotton samples with other actual samples or with a type in respect to grade and/or staple, the true classification of such samples and types as to grade and/or staple length, in accordance with the official cotton standards of the United States, shall, where necessary in the opinion of the board, be determined and stated, and when appropriate the opinion or decision of the board shall be stated in further detail in accordance with sections 5 and 6 of this regulation.

SEC. 5. *Paragraph 1.* In the examination and comparison of samples with other samples and/or types of uniform grade, staple length, and/or other quality, the opinion or decision of the board shall be expressed as described in this section, as follows:

Par. 2. For each bale of the cotton involved of which the grade is equal to the type or corresponding sample, by the words "grade equal."

Par. 3. For each bale of the cotton involved of which the staple is equal to the type or corresponding sample, by the words "staple equal."

Par. 4. For each bale of the cotton involved which is equal to the type or corresponding sample in any other respect in which an opinion is requested, by the word "equal," together with other words necessary to indicate the nature of the equality.

Par. 5. For each bale of the cotton involved, of which the grade is below or above that of the type or corresponding sample, by the words "grade deficient" or "grade better," as the case may be, together with a statement of the amount of deficiency or superiority as measured by the grades of the Universal Standards.

Par. 6. For each bale of the cotton involved of which the length of staple is less or more than that of the type or corresponding samples, by the words "staple deficient" or "staple better," as the case may be, together with a statement of the amount of deficiency or excess length as measured in fractions of an inch.

Par. 7. For each bale of the cotton involved which is not equal to or which is better than the type or corresponding sample in any other respect or in respect to any of the component qualities embodied in the grade, by the word "deficient" or "better," together with other necessary words indicating the nature of the deficiency or superiority.

SEC. 6. Paragraph 1. In the examination and comparison of samples with a type in which more than one grade, staple length, or quality of another kind are represented, the opinion or decision of the board shall be expressed as prescribed in this section as follows:

Par. 2. If the proportions of each grade are the same in the samples as in the type, the cotton shall be said to be "equal in grade."

Par. 3. If the proportions of each staple length are the same in the samples as in the type, the cotton shall be said to be "equal in staple length."

Par. 4. If the proportions of the other qualities in question are the same in the samples as in the type, the cotton shall be said to be "equal" in respect to the qualities in question.

Par. 5. If the proportions of any grade, staple length, and/or other qualities, including the component qualities of the grade, are more or less than the corresponding proportion in the type, the board shall indicate the bales which are better than the type, those equal to the type, and those which are deficient, and the amount of any superiority or deficiency in each case as measured by the official standards of the United States.

Regulation 8.—Certificates and Memoranda, Forms A, B, and C

SECTION 1. As soon as practicable after the classification of cotton has been completed by a board of cotton examiners, there shall be issued a cotton class certificate of the appropriate kind showing the results of such classification.

SEC. 2. When an informal classification has been made of any samples submitted for the purpose, the results of such classification shall be stated in a Form A memorandum. Each Form A memorandum shall state that the classification applies only to the samples submitted and may or may not be the true classification of the cotton. Such memorandum shall be considered to be for the information of the owner or custodian only and shall not be deemed to be a final certificate or subject to being made a final certificate within the meaning of section 4 of the act or for any purpose whatsoever.

SEC. 3. When the samples of any cotton involved in a dispute shall, by mutual agreement of the parties to such dispute or by their duly authorized agents, have been referred to a board for classification or for comparison with a type or with other samples, the chairman of the board shall issue an adjustment certificate known as a Form B certificate. Each Form B certificate shall show the true classification as determined in accordance with regulation 6, or the results of such comparison made as provided in regulation 7, in respect to the qualities in dispute of the cotton involved. Such certificate, when issued in the first instance by the appeal board of review examiners, or in other cases when it has been once reviewed in connection with an appeal under regulation 9, shall be deemed as between the parties to the dispute a final certificate within the meaning of section 4 of the act, but no Form B certificate issued in the United States shall be deemed to be final in any respect when inconsistent with a valid Form C certificate covering the same cotton which has been issued under section 4 of this regulation. The original Form B certificate shall be furnished to the party submitting the samples, and an exact copy of the certificate shall be furnished to the other party to the dispute or to his agent at the address given in the stipulation.

SEC. 4. When cotton has been submitted for sampling under supervision and for classification as provided in regulation 5, there shall be issued a cotton class certificate known as Form C certificate. Each Form C certificate shall show the

true classification of the cotton in the respects specified in the request. Such certificate when it has been once reviewed in accordance with regulation 9 shall be deemed to be a final certificate as to the classification shown, within the meaning of section 4 of the act, in all cases except when superseded by a certificate or award made as provided in regulation 15.

SEC. 5. Upon the written request of a holder of a cotton class certificate issued under these regulations, a new certificate shall be issued, without the reclassification of the cotton, to take the place of the former certificate for any cotton covered thereby, when necessary on account of the breaking or splitting of a lot or otherwise for the business convenience of such holder: *Provided*, That in any case where a part of a lot of cotton for which Form C certificate has been issued is removed from the certificated stock of any market, the chairman of the board of cotton examiners or the supervisor of inspection may upon request cancel from said certificate the bales so removed. In any case where a new certificate is requested in accordance with this section, the former certificate shall be surrendered for cancellation, and such new certificate shall bear a new number and the date of its issuance and the date of original certification and shall otherwise comply with these regulations.

SEC. 6. Upon the written request of the last holder of a valid Form C certificate or of a Form B certificate and a showing to the satisfaction of the chairman of the board which issued such certificate that it has been lost or destroyed, and, if lost, that diligent effort has been made to find it without success, a new certificate shall be issued without the reclassification of the cotton. Such new certificate shall bear the same number and date of issuance as the lost or destroyed certificate, and shall include a statement to the effect that it is a duplicate issued in lieu of the lost or destroyed original, as the case may be.

SEC. 7. For a good cause any certificate issued under this regulation shall be surrendered to the chairman of the board which issued it, upon his request or upon the request of the chief of the bureau, and a new certificate complying with these regulations may be issued in substitution therefor. If such certificate be not surrendered upon such request, it shall nevertheless be invalid for the purposes of the act and these regulations.

Regulation 9.—Reviews and Appeals

SECTION 1. Except as otherwise provided, one review only of the classification or comparison of the cotton covered by any certificate may be had as provided in this regulation.

SEC. 2. No review shall be granted of the classification represented in a Form A memorandum.

SEC. 3. Except as otherwise provided in regulation 15, any person entitled under these regulations to a review or an appeal may designate as the board to which he wishes the appeal or review referred either the board which classified the cotton in the first instance or the appeal board of review examiners, and such action shall be taken accordingly: *Provided*, That the chief of the bureau may in any case, for good cause, designate the board to entertain an appeal or to review the classification of any cotton for which application for appeal or review may be filed. Any expense incident to forwarding and returning samples shall be borne by the department in those cases where the chief of the bureau directs the handling of appeals or reviews by a board other than that which classified the cotton in the first instance. The cotton class certificate or certificates covering the cotton involved in any appeal or review shall be surrendered to the board or the supervisor of cotton inspection with whom the application was filed, as the case may be. In any case where the certificate under this act has been canceled before review and reissued in a form provided in the United States cotton futures act and the regulations thereunder, the review shall be in accordance with those regulations.

SEC. 4. Either party to a dispute in which the samples involved have been submitted for examination and/or comparison may appeal from the classification and/or comparison represented in a Form B certificate, except in those cases where the Form B certificate was issued by the appeal board of review examiners in the first instance. Each such appeal shall be filed with the secretary of the board which made the original classification and/or comparison and shall be accompanied by the original certificate and by a remittance of the costs in the proper form and amount as provided in regulation 13. The time allowed for the filing of such appeal shall be the same for both parties and as follows:

Paragraph 1. If both parties to the dispute are located and doing business within the United States, fifteen (15) full calendar days following the date of the certificate.

Par. 2. If either of the parties is located and doing business in a foreign country, thirty (30) full calendar days following the date of the certificate.

SEC. 5. The holder of a Form C certificate shall be allowed one year following the date shown in the certificate for filing his application for review, but no review shall be granted if the samples of the cotton according to which the cotton was classed have been withdrawn.

SEC. 6. Application for review shall be made in writing to the secretary of the board with which the request for original classification or comparison was filed. No such application shall be received unless it is accompanied by the original certificate of classification or comparison.

SEC. 7. Immediately upon the filing of an application for review or appeal, if the party filing such application shall have designated the appeal board of review examiners as the board to which he wishes such review or appeal referred, the secretary of the board which performed the original classification and/or comparison shall send the samples involved, together with a copy of the original request and the application for review or appeal, to the secretary of the appeal board of review examiners at Washington, D. C.

SEC. 8. Unless the use of new samples shall be necessary, a review or appeal pursuant to this regulation shall be handled on the basis of the samples of the cotton involved in the possession of the board.

SEC. 9. The classification of any bale shown by the original cotton class certificate shall be changed only when it shall appear that such classification was clearly erroneous.

SEC. 10. If the classification of all the cotton as shown by the cotton class certificate be found to be correct, there shall be placed on the certificate a notation which shall be signed by the chairman of the board and dated, to the effect that the classification of the cotton covered by such certificate has been reviewed and determined to be as stated in such certificate. Thereupon the certificate shall be returned to the person who requested the appeal or review. If the certificate be a Form B certificate, the other party to the dispute shall be advised in writing that the original classification has been confirmed.

SEC. 11. If the classification of any bale of cotton as shown by the certificate shall be changed, such certificate shall be canceled and there shall be issued in lieu thereof a new certificate showing the classification of each bale as determined upon such review or appeal. There shall be incorporated in such certificate a statement to the effect that the classification of the cotton covered thereby has been reviewed and determined to be as stated in such certificate. Such certificate shall bear a new number and the date of its issuance and shall be delivered to the person who requested the review or appeal, and, if a Form B certificate, an exact copy shall be mailed to the other party to the dispute.

SEC. 12. So far as applicable sections 10 and 11 of this regulation shall likewise apply to appeals from the comparison of samples with types in Form B determinations, and in these cases each party shall be furnished a copy of the certificates showing the decision of the appeal board.

SEC. 13. In case a review is desired of the classification of any cotton represented in a certificate issued by a licensed classifier, the procedure shall be as provided in section 18 of regulation 11.

Regulation 10.—Supervision of Transfers of Cotton

SECTION 1. Whenever the owner or custodian of any cotton inspected and sampled for classification, pursuant to regulation 5 or for which he holds valid Form C certificates, desires to transfer such cotton to a different place for the purpose of having it made available for delivery upon a contract made in accordance with section 5 of the United States cotton futures act at the place to which it is to be removed, the procedure shall be as outlined in this regulation. Conformity to this procedure shall not be necessary in the case of the transfer of cotton cloth between different warehouses at the same place when such transfer is effected under the supervision of the exchange inspection bureau or a representative of the bureau authorized for the purpose at such place. In such cases the exchange inspection bureau shall report the facts to the board in accordance with section 2 of regulation 5.

SEC. 2. The person who made the request for the classification, or the holder of a Form C certificate, shall file with the secretary of the board with which the classification request was filed, or which issued the certificate, or, if at a point at which there is no board, with the supervisor of inspection at that point, a written request for the supervision of such transfer. Such request shall be in such form as the chief of the bureau shall prescribe. It shall properly identify the cotton and state the respective locations from and to which the cotton is to be transferred. If a Form C certificate for such cotton has previously been issued by the board, the holder thereof shall surrender such certificate to the board for cancellation before such transfer shall take place. No single request for supervision of transfer shall cover both cotton of which the classification has been reviewed and that of which the classification has not been reviewed; nor shall the same request cover both tenderable and untenderable cotton; and no single transfer lot shall include more than 50 bales.

SEC. 3. As soon as practicable after the filing of the request, the chairman of the board of cotton examiners or the supervisor of inspection shall assign to it a transfer number. The owner of the cotton shall thereupon have such number legibly branded upon all bales covered by such transfer request. As soon as practicable thereafter the person filing such request shall make the cotton available to a supervisor or deputy supervisor of cotton inspection or a cotton examiner, who shall examine each bale of cotton covered by the transfer request, and shall attach to it, if found to be properly branded, a durable tag or seal provided for the purpose by the bureau. Such tag or seal shall remain the property of the United States after being so attached while the bale is under the supervision of the Department of Agriculture. No person, unless authorized by the bureau, shall remove or in any way tamper with such attached tag or seal or shall otherwise interfere with any person employed under the act in the performance of his duties, while the cotton is under supervision of the bureau.

SEC. 4. Thereupon there shall be issued to the person requesting the same a transfer certificate in form prescribed for the purpose by the chief of the bureau, properly identifying the cotton according to such tags or seals, and the other means of identification in the possession of the bureau, showing the respective locations from which and to which the cotton is to be transferred, the classification of the cotton as previously determined, and whether or not such classification has been reviewed.

SEC. 5. When the cotton shall have been delivered for storage at the place of its destination, the transfer certificate shall be surrendered to the chairman of the board at such place or to such other official as the chief of the bureau shall designate for the purpose. Thereupon a supervisor of cotton inspection, or a cotton examiner, or other representative of the bureau authorized for the purpose, shall examine each bale of cotton covered by such transfer certificate. If he finds that the entire lot of cotton represented by the transfer certificate has been preserved unbroken and that the identity of the bales has been properly preserved, there shall be issued to the person requesting the same a cotton class certificate or certificates, complying with these regulations and valid for use under the United States cotton futures act, at such destination, without the reclassification of the cotton, except that whenever the exchange at the point of destination shall have put into effect a system of handling cotton and samples thereof approved for the purpose by the chief of the bureau, under which a board of cotton examiners may place its certificate of classification directly on the storage or press receipt covering and properly identifying the cotton involved, the preservation unbroken of the entire lot represented by the transfer certificate shall not be required.

SEC. 6. Supervision of transfers in accordance with this regulation shall not be granted, nor shall any certificate be issued, with respect to any bale which is found to be in such condition that its classification is different from that shown by the Form C certificate, unless such bale shall be reinspected and, if necessary, reclassified in accordance with these regulations.

Regulation 11.—Licensed Classifiers

SECTION 1. *Paragraph 1.* Applications for licenses to classify cotton under section 3 of the act shall be made to the chief of the bureau on forms furnished for the purpose by him.

Par. 2. Each such application shall be in English and shall be signed by the applicant, shall be verified by him under oath or affirmation administered by a duly authorized officer, and shall contain or be accompanied by (a) satisfactory evidence that he has passed his twenty-first birthday and that he is an actual resident of the continental United States, (b) satisfactory evidence of his training and experience in the actual classification of cotton, (c) a statement of the standards for the cotton for the classification of which a license is desired, (d) a statement by the applicant that he agrees to comply with and abide by the terms of the act and these regulations so far as they may relate to him, and (e) such other information as the chief of the bureau may deem necessary.

Par. 3. The applicant shall furnish such additional information as the secretary or the chief of the bureau shall at any time find to be necessary to the consideration of his application.

SEC. 2. Each applicant for a license as a classifier and each licensed classifier shall, when requested, submit to an examination or test by one or more members of the appeal board of review examiners appointed by the chief of the bureau as provided in section 2 of regulation 2, to show his ability to classify cotton, and each applicant who already holds a license under this act shall also make available for inspection copies of the standards for classification used or to be used by him.

SEC. 3. Examinations of applicants for licenses shall cover the classification of cotton in accordance with any or all of the standards listed below (except that no examination will be given nor license issued for determining length of staple only to an applicant who does not already hold a license for grading), and each license under the act and each identification card shall specify the standards with respect to which it is issued:

(a) The official cotton standards of the United States for grades and colors of American upland cotton.

(b) The official cotton standards of the United States for grades and colors of American Egyptian cotton.

(c) The official cotton standards of the United States for length of staple not over $1\frac{1}{8}$ inches.

(d) All of the official cotton standards of the United States for length of staple.

Examination of licensees, when required, shall cover the classification of cotton with respect to any or all of the standards specified in their licenses. In addition any licensee who makes the necessary application and pays the fee specified in section 11 of regulation 13 may be examined and licensed with respect to the classification of cotton, according to any of the foregoing standards for which he does not already hold a license.

SEC. 4. The period for which a license may be issued shall be from the 1st day of August until and including the 31st day of July following. Renewals shall be for one year only beginning with the 1st day of August of each year.

SEC. 5. Whenever any classifier licensed under the act and in accordance with these regulations shall classify and/or certificate any cotton or samples in consideration of a stated fee, the fee charged shall be in accordance with a schedule previously submitted to and approved by the chief of the bureau.

SEC. 6. Each licensed classifier shall keep for a period of one year in a place accessible to interested persons a copy of each certificate issued by him under these regulations.

SEC. 7. Each licensed classifier shall permit any officer or agent of the Department of Agriculture, authorized by the Secretary for the purpose, to inspect or examine, on any business day during the usual hours of business, his books, papers, records, and accounts relating to the performance of his duties under the act and these regulations.

SEC. 8. Each licensed classifier shall, from time to time when requested by the chief of the bureau, make reports, on forms furnished for the purpose by the bureau, bearing upon his activities as such licensed classifier.

SEC. 9. Every person licensed under the act shall immediately furnish the chief of the bureau any information which comes to the knowledge of such person tending to show that any provision of the act or the regulations has been violated.

SEC. 10. Pending investigation the Secretary may, whenever he deems necessary, suspend the license of a licensed classifier temporarily without hearing. Upon written request and a satisfactory statement of reasons therefor submitted by the licensed classifier, the Secretary may, without a hearing, suspend

or cancel the license issued to such licensed classifier. The Secretary may, after opportunity for hearing when possible has been afforded in the manner prescribed in this section, suspend or cancel a license issued to a licensed classifier when such licensed classifier (a) has died, (b) is non compos mentis, (c) has ceased to perform services as such classifier, (d) has knowingly or carelessly classified cotton improperly, (e) has violated or evaded any provisions of this act or the regulations thereunder so far as the same may relate to him, (f) has used his license or allowed it to be used for any improper purposes, or (g) has in any other manner become incompetent or incapacitated to perform the duties of such licensed classifier. Before the license of any licensed classifier is suspended or revoked pursuant to section 3 of the act, such licensed classifier shall be furnished by the Secretary, or by an official of the Department of Agriculture designated for the purpose, a written statement specifying the charges and shall be allowed a reasonable time within which he may answer the same in writing and apply for a hearing, an opportunity for which shall be afforded in accordance with section 12 of this regulation.

SEC. 11. If a license issued to a licensed classifier is suspended, revoked, or canceled by the Secretary, such license shall be returned to the Secretary. At the expiration of any period of suspension of such license, unless in the meantime it be revoked or canceled, the dates of the beginning and termination of the suspension shall be indorsed thereon, and it shall be returned to the licensed classifier to whom it was originally issued.

SEC. 12. For the purpose of a hearing under the act or this regulation, the licensee involved shall be allowed a reasonable time, fixed by the Secretary or by an official of the Department of Agriculture designated by him for the purpose, within which affidavits and other proper evidence may be submitted. If requested by the licensee within such time, an oral hearing, of which reasonable notice shall be given, shall be held before and at the time and place fixed by the Secretary or an official of the Department of Agriculture designated by him for the purpose. The testimony of the witnesses at such oral hearing shall be upon oath or affirmation administered by the official before whom the hearing is held when required by him. Such oral hearing may be adjourned by him from time to time. After reasonable notice to all parties concerned, the deposition of any witness may be taken at a time and place and before a person designated for the purpose by the Secretary or an official of the Department of Agriculture authorized by the Secretary. Every written entry in the records of the Department of Agriculture made by an officer or employee thereof in the course of his official duty, which is relevant to the issue involved in a hearing, shall be admissible as prima facie evidence of the facts stated therein without the production of such officer or employee. Copies of all papers and all the evidence submitted or considered in such hearing shall be made a part of the records of the Department of Agriculture. The records and, when there has been an oral hearing other than by the Secretary, the recommendation of the official holding such oral hearing shall be transmitted to the Secretary for his consideration. Each party shall pay all expenses contracted by him in connection with any hearing under this section.

SEC. 13. Upon satisfactory proof of the loss or destruction of a license issued to a licensed classifier, a duplicate thereof may be issued under the same or a new number, in the discretion of the Secretary.

SEC. 14. No person shall in any way represent himself to be a classifier licensed under the act unless he holds an unsuspended, unrevoked, and uncanceled license issued under the act.

SEC. 15. Each class certificate issued under the act by a licensed classifier shall be in a form approved for the purpose by the chief of the bureau and shall embody within its written or printed terms—

- (a) The caption "Licensed cotton classifier's certificate."
- (b) The serial number assigned to it.
- (c) Whether it is an original, a duplicate, or other copy.
- (d) The date and place of issuance.
- (e) That the certificate is issued by a classifier licensed under the United States cotton standards act and regulations thereunder.
- (f) A list of the standards with respect to which the classifier is licensed.
- (g) The exact location of the cotton at the time of classification.
- (h) A statement in accordance with the facts in each case, either (1) that the classifier knows the samples upon which his classification is based to be true and correct samples of the cotton involved; or (2) that the samples were

drawn by a sampler licensed under the United States warehouse act; or (3) in other cases in which the classifier does not know that the samples are truly representative of the cotton involved, a statement to the effect that the certificate covers the grade or other class of such samples only, submitted for classification and represented as having been drawn from the bales described therein, in which case the name and address of the person who submitted the samples shall be stated, and the certificate shall carry the notation "Special sample certificate."

(i) The identification of each bale of cotton by the tag number or mark by which the bale was identified at the time the sample was taken.

(j) The grade, length of staple, or other class of each bale or sample of cotton covered thereby.

(k) The signature of the licensed classifier.

In addition, the class certificate may include any other matter not inconsistent with the act or these regulations.

SEC. 16. A certificate issued by a licensed classifier shall in no case be deemed a final certificate within the meaning of section 4 of the act. The certificate of a board covering any cotton represented in a licensed cotton classifier's certificate shall at once invalidate and supersede a licensed classifier's certificate as to such classification.

SEC. 17. The shipment, sale, or consignment of any cotton or the sale or hypothecation of any warehouse receipts, compress receipts, or bills of lading representing any cotton covered by a licensed classifier's certificate shall render such certificate null and void unless the certificate be attached to the warehouse receipts, bills of lading, or invoices by which the cotton is moved or sold or by which title to the cotton is passed or hypothecated.

SEC. 18. In case a review is desired of the classification of any cotton represented in a valid certificate issued by a licensed classifier as provided in section 15 of this regulation, the holder of such certificate shall surrender the same, together with samples of the cotton, to a board and receive in its stead a certificate signed by the chairman of such board. The certificate of the board issued in lieu of the licensed classifier's certificate in accordance with this section shall be subject to review by the appeal board of review examiners, provided a review would have been granted if the classification had been performed originally by a board.

Regulation 12.—Official Cotton Standards

SECTION 1. *Paragraph 1.* Practical forms of any of the official cotton standards of the United States enumerated in this paragraph, each certified under the seal of the United States Department of Agriculture and under the signature of the Secretary, thereto affixed by himself or by some other official or employee of the department thereunto duly authorized by him, and in the case of the standards for grade and color accompanied by photographs representing the cotton in such practical forms on the date of certification, will be furnished to any person requesting the same, upon prepayment of the cost thereof as determined by the Secretary, subject to the other conditions of this section:

Standards for grades and colors for American upland cotton, as follows:

No. 1 or Middling Fair.

No. 2 or Strict Good Middling.

No. 3 or Good Middling.

No. 4 or Strict Middling.

No. 5 or Middling.

No. 6 or Strict Low Middling.

No. 7 or Low Middling.

No. 8 or Strict Good Ordinary.

No. 9 or Good Ordinary.

No. 3 Tinged, or Good Middling Yellow Tinged.

No. 4 Tinged, or Strict Middling Yellow Tinged.

No. 5 Tinged, or Middling Yellow Tinged.

No. 6 Tinged, or Strict Low Middling Yellow Tinged.

No. 7 Tinged, or Low Middling Yellow Tinged.

No. 3 Stained, or Good Middling Yellow Stained.

No. 4 Stained, or Strict Middling Yellow Stained.

No. 5 Stained, or Middling Yellow Stained.

- No. 3 Blue Stained, or Good Middling Blue Stained.
- No. 4 Blue Stained, or Strict Middling Blue Stained.
- No. 5 Blue Stained, or Middling Blue Stained.

(All the foregoing standards being also designated universal standards.)

- No. 3 Extra White, or Good Middling Extra White.
- No. 4 Extra White, or Strict Middling Extra White.
- No. 5 Extra White, or Middling Extra White.
- No. 6 Extra White, or Strict Low Middling Extra White.
- No. 7 Extra White, or Low Middling Extra White.

Standards for grades and colors for American Egyptian cotton, as follows:
Grade No. 1; Grade No. 2; Grade No. 3; Grade No. 4; Grade No. 5.

Standards for length of staple, as follows:

Practical forms of American upland cotton.— $\frac{3}{4}$ inch; $\frac{7}{8}$ inch; $1\frac{1}{8}$ inch; 1 inch; $1\frac{1}{2}$ inches; $1\frac{1}{16}$ inches; $1\frac{3}{32}$ inches; $1\frac{1}{8}$ inches; $1\frac{5}{16}$ inches; $1\frac{3}{8}$ inches; $1\frac{7}{16}$ inches; $1\frac{1}{4}$ inches; $1\frac{9}{16}$ inches; $1\frac{5}{8}$ inches; $1\frac{11}{16}$ inches; $1\frac{3}{4}$ inches; $1\frac{1}{2}$ inches.

Practical forms of American Egyptian cotton.— $1\frac{1}{2}$ inches; $1\frac{7}{8}$ inches; $1\frac{5}{8}$ inches; $1\frac{3}{4}$ inches.

Par. 2. Each application for practical forms of the official cotton standards shall be upon a blank furnished or approved by the bureau, shall be signed by the applicant, shall be accompanied by certified check, draft, post-office money order, or express money order, payable to the "Disbursing Clerk, Department of Agriculture," in an amount sufficient to cover the cost of the forms requested, and shall incorporate the following conditions:

(a) That no practical form of any of the official cotton standards shall be considered or used as representing the official cotton standards of the United States after the date of its cancellation in accordance with this section, or, in any event, after the expiration of 18 months following the date of its certification (except that sets of practical forms stored, protected, and preserved in accordance with certain agreements or the adoption of universal standards may be used for such periods as may be prescribed in such agreements).

(b) That said practical forms and the photographs accompanying them shall be subject to inspection on any business day, between the hours of 9 a. m. and 4 p. m., by the Secretary or by an officer or agent of the Department of Agriculture authorized by the chief of the bureau.

(c) That the signature of the Secretary certifying to any practical forms, or any photograph of any type or sample of said practical forms accompanying the same, or both, may be canceled if it be found, upon such inspection, either that any of said forms for any reason misrepresents the official cotton standards or that any such photograph has been altered or mutilated.

SEC. 2. Whenever any of the official cotton standards shall have been adopted as universal standards by an association or exchange located in a country other than the United States, the name of such association or exchange shall be shown on the outside of the box or container.

SEC. 3. *Paragraph 1.* The containers of the original Universal Standards and other official cotton standards of the United States, whenever such official standards are represented by practical forms, shall be marked as prescribed in the order or orders of their establishment, wrapped, and sealed with wax seals. When so marked, wrapped, and sealed they shall be deposited in a suitable vault or in a steel safe or safes, which shall be kept sealed with an imprinted seal. The dies used to seal the Universal Standards shall be deposited in the Treasury of the United States subject to the order of the Secretary of Agriculture; those used to seal the other official cotton standards of the United States shall remain in the custody of the chief of the bureau. Such safes shall be sealed in the presence of the director of regulatory work, the solicitor of the department, and the chief of the bureau, or of the persons temporarily acting in their stead, and shall thereafter be opened only in the presence of the same and upon written order of the Secretary or of the person acting in his stead.

Par. 2. As soon as practicable after the second Monday in March, 1927, and after the second Monday in March of each second year thereafter there shall be prepared two full sets of practical forms or copies of the Universal Standards for grades and colors of American upland cotton, which shall be known as "reserve sets" and which, upon the certification and recommendation of qualified experts, shall be certified by the Secretary as true copies of the original standards as and when established. Such "reserve sets" shall be

inclosed in metal-lined cases, likewise sealed in the presence of the director of regulatory work, the solicitor of the department, and the chief of the bureau, or of the persons temporarily acting in their stead. One such set, to be known as the "first reserve set," shall then be delivered to agents of the Treasury Department of the United States to be deposited in the United States Treasury, and the other, to be known as the "second reserve set," shall be deposited in the vaults of the bureau in the immediate control and custody of the chief of the bureau. Such "reserve sets" shall remain so deposited until such time as they shall be required for examination, reproduction, and use, as set forth in paragraph 3 of this section. When so required, they shall be withdrawn only upon the order of the Secretary or of the person temporarily acting in his stead. The seals upon the cases and containers of the practical forms shall be broken only in the presence of the director of regulatory work, the solicitor of the department, and the chief of the bureau, or the persons temporarily acting in their stead, and experts qualified in the classification of American upland cotton authorized to be present by special agreement or authorization.

Par. 3. As soon as practicable after the opening, as provided in paragraph 2, of the "first reserve set," two new "reserve sets" shall be prepared by comparison with the "first reserve set," which shall be taken to represent so far as possible the original standards as and when established, and which shall, in turn, be numbered, incased, sealed, and stored in the manner prescribed in paragraph 2. The "first reserve set" of the preceding two-year period shall then be again sealed and shall remain in the custody of the chief of the bureau as a permanent record. If, upon the opening and examination of the "first reserve set" as herein provided, it shall appear that such set has undergone any substantial change, the "second reserve set" shall, for the purposes of this paragraph, be used in its stead. If the "second reserve set" is not so needed it shall be retained by the bureau, in the immediate control and custody of the chief of the bureau as a permanent record.

Regulation 13.—Fees and Costs

SECTION 1. All fees for services of classification, comparison, certification, or review by a board of examiners shall be paid at the time of filing the request for the service desired, except that the bureau may deliver bills to persons from whom payment for fees or expenses on account of Form C determinations and reviews thereof and for the supervision of transfers may become due. Such bills shall be rendered as soon as practicable after the 15th and the last day of each month for amounts due and unpaid on such dates. When necessary, in the discretion of the chairman of the board or the supervisor of inspection, any bill may be rendered at an earlier date for any fees then due from the person to whom such bill may be rendered. Payment of any such bill shall be made as soon as possible after the rendition thereof, but in any event not later than the expiration of two weeks thereafter.

SEC. 2. Paragraph 1. For the classification and certification of any cotton or samples whether informal or otherwise, or for the review of a licensed cotton classifier's certificate, the person requesting the classification or review shall pay a fee, as follows, except as provided in paragraph 3 of this section:

(a) If the classification is with respect to grade only, at the rate of 15 cents a bale.

(b) If the classification is with respect to staple only, at the rate of 15 cents a bale.

(c) If the classification is with respect to any other single quality, at the rate of 15 cents a bale.

(d) If the classification is with respect to two or more of the qualities specified in (a), (b), or (c), at the rate of 30 cents a bale.

Par. 2. When a comparison is requested of any samples with a type or with other samples, the fees prescribed in paragraph 1 of this section shall apply to every sample involved, including each of the samples of which the type is composed, except that no charge shall be made for the classification of a type composed of less than 10 samples.

Par. 3. To demonstrate the classification of cotton according to the official cotton standards, the chief of bureau may authorize for limited periods of time, in designated localities, the informal classification of samples submitted for the purpose and the issuance without charge of Form A memoranda evidencing such classification: *Provided*, That samples submitted in accordance with this para-

graph unless claimed and removed by the person submitting the same, or his agent, at or about the time of classification, shall be disposed of as provided in section 6 of regulation 4.

SEC. 3. For each new certificate issued in substitution for a prior certificate at the request of the holder thereof, on account of the breaking or splitting of the lot of cotton covered thereby or otherwise for his business convenience, the person requesting such substitution shall pay a fee of 25 cents when the number of bales covered by the new certificate is 10 or less, or a fee of 50 cents when the number of bales covered by such certificate is more than 10. In cases where a part of a lot of cotton represented by any one certificate is removed from the certificated stock of any market and the bales so removed are canceled from such certificate at the request of the holder thereof, in accordance with section 5 of regulation 8, no charge shall be made for such cancellation unless the holder requests the return of the official samples representing the bales so canceled, in which event a service charge of 10 cents will be assessed for each sample returned.

SEC. 4. For an appeal or review of the classification and/or comparison of any cotton, the applicant shall pay a fee of 20 cents per bale if such appeal or review be handled by the board which classified the cotton in the first instance, or if the chief of the bureau has directed that such appeal or review be handled by another board. For the appeal or the review of the classification of any cotton by the appeal board of review examiners, where the applicant designates the appeal board of review examiners as the board to which he wishes the appeal or review referred, the fee shall be 25 cents per bale, which shall cover the appeal or review and the expense incident to forwarding the samples to and returning them from Washington, D. C.

SEC. 5. No fee shall be collected for a new cotton class certificate issued in lieu of a prior certificate solely for the purpose of correcting clerical errors therein or for the purpose of substituting a new form applicable to outstanding certificates, or without an application therefor.

SEC. 6. When the request for the classification or comparison of any cotton shall be withdrawn after the classification of such cotton has been started pursuant to such request, the person making the request for the classification shall pay the fee prescribed by section 2 of this regulation.

SEC. 7. When the inspection and sampling or the supervision of the transfer of any cotton shall be performed at a place other than that where a board or supervisor of cotton inspection is regularly located, the person making the request for the classification or the supervision of the transfer of the cotton shall pay, in addition to the costs hereinbefore prescribed, the necessary traveling expenses and subsistence, or per diem in lieu of subsistence, incurred on account of such request, in accordance with the fiscal regulations of the Department of Agriculture, by the persons employed by the Department of Agriculture to supervise such inspection and sampling or transfer.

SEC. 8. The expense of inspection and sampling, the preparation of the samples, and the delivery of such samples to the classification room of the board, or other place specifically designated for the purpose by the chief of the bureau or by the chairman of such board, shall be borne by the party requesting the classification.

SEC. 9. For the supervision of the transfer of cotton in accordance with regulation 10, including such new certificates incidental thereto as may be necessary for the delivery of such cotton upon a contract made in accordance with section 5 of the United States cotton futures act, without its reclassification, the applicant for such transfer supervision shall pay a fee of 30 cents per bale.

SEC. 10. If requested by the secretary of the board or supervisor of inspection with which a request is required to be filed or by the chief of the bureau, the person from whom any payment under this regulation may become due shall make an advance deposit to cover such payment in such amount as may be necessary in the judgment of the official requesting the same. Any unused balance remaining after the assessment of charges and the payment of expenses, if any, incurred under section 7 of this regulation shall be returned to the depositor.

SEC. 11. For the examination of an applicant for a license to classify cotton in accordance with regulation 11, the fee shall be \$10, but no additional charge shall be made for the issuance of a license to an applicant found to be properly qualified. For each renewal of a license the fee shall be \$5.

SEC. 12. *Paragraph 1.* The cost of any of the practical forms of the Universal Standards or other official cotton standards of the United States for grade or color enumerated in section 1, regulation 12, shall be at the rate of \$5 each, f. o. b. Washington, D. C., for shipments within the continental United States, and \$6.25 each, delivered to destination, for shipments outside the continental United States.

Par. 2. The costs specified in paragraph 1 of this section shall likewise apply in cases where new samples are furnished in replacement of old samples in any box of the practical forms returned to the department for the purpose, except that when the number of new samples so furnished is five or less in one box the cost shall be at the rate of 40 cents for each sample.

Par. 3. The cost of any of the practical forms of the official cotton standards of the United States for length of staple enumerated in section 1, regulation 12, shall be at the rate of \$1 each, f. o. b. Washington, D. C., for shipments within the continental United States and \$1.25 each, delivered to destination, for shipments outside the continental United States.

SEC. 13. Any payment or advance deposit under this regulation shall be by certified check or by draft or post-office or express money order, payable to the order of the "Disbursing Clerk, Department of Agriculture," and may not be made in cash except in cases where the total payment or deposit does not exceed \$1.

SEC. 14. The cost of practical forms of the Universal Standards or other official cotton standards which may hereafter be established shall be such as the Secretary of Agriculture may determine.

SEC. 15. Nothing in these regulations shall be construed to void or modify any claim which a person or party requesting and paying for a service may have against any other person or party for the payment of part or all of such costs.

Regulation 14.—American Cotton Linters

SECTION 1. In so far as applicable, and not inconsistent with this regulation, the provisions of the foregoing regulations relating to the organization and functions of boards of cotton examiners; requests for classification and comparison; submission and disposition of samples in Form A and Form B determinations and the submission of cotton, supervision and sampling in Form C determinations; classification; sample and type comparison; certificates and memoranda, Forms A, B, and C, shall likewise apply to the organization and functions of boards of cotton linters examiners and to the submission and disposition of samples of linters in Form A and Form B determinations and the submission of bales of linters in Form C determinations; the classification of linters; sample and type comparison of linters; and certificates and memoranda evidencing the classification and comparison of linters: *Provided*, That each sample of American cotton linters submitted to a board of cotton linters examiners for classification and/or comparison shall weigh not less than $\frac{1}{2}$ pound, shall be wrapped separately, and shall contain a coupon or tag by which the identity of the bale from which it is drawn may be determined; that the head of the bale shall be properly inspected, and any conditions not fully indicated by the samples shall be specified by the inspector or the sampler of the linters in a written memorandum to the board which shall accompany the samples; and such samples shall be drawn in the following manner:

Condenser system linters.—Three layers shall be drawn from each head of each bale, each layer to be approximately 6 by 8 inches square. The layers shall represent the high and the low rolls of the bale.

Flue system linters.—One sample shall be drawn from the top side of each bale and one from the bottom side (the surface layer shall not be included), which said samples, wrapped together, and weighing not less than $\frac{1}{2}$ pound shall constitute one sample for the purposes of this regulation.

SEC. 2. *Boards of cotton linters examiners.*—There shall be located at Washington, D. C., and, when necessary in the opinion of the chief of the bureau, at any other point that he shall designate for the purpose, a board of cotton linters examiners. The members of all boards and the chairman of each shall be designated for the purpose by the chief of the bureau.

SEC. 3. *Requests for classification and comparison.*—For each lot or mark of linters which the applicant desires classified or compared separately he shall make a separate written request specifying which one of the following forms of service is desired.

(1) *Form A determination.*—The informal classification or comparison, or both, of samples submitted for the purpose. Such informal classification or comparison shall be evidenced by a Form A memorandum which shall not be subject to review or appeal.

(2) *Form B determination.*—The formal classification or comparison, or both, of samples submitted by mutual agreement of two or more parties to a dispute. The classification or comparison in such cases shall be evidenced by a Form B certificate which shall be subject to review as provided in this regulation.

(3) *Form C determination.*—The formal classification of bales of linters, to be sampled under the supervision of a supervisor of inspection. The classification in such cases shall be evidenced by a Form C certificate which shall be subject to review as provided in this regulation.

SEC. 4. All requests for classification in the United States shall be filed with the secretary of the board of cotton linters examiners at Washington, D. C., or with the supervisor of inspection at the place where the linters is located.

Classification.—Where in the classification of any linters the variation of staple and/or color is found to be less than that embraced in any single standard grade, or greater than that of any standard grade but not greater than that represented in two adjacent grades, such linters shall be described, by appropriate language, with reference to the individual samples composing such standard grade or grades.

SEC. 5. *Reviews.*—One review only of the classification or comparison of any linters, evidenced by a Form B certificate or a Form C certificate, may be had in general conformity with regulation 9, which such review shall be handled by the board of cotton linters examiners at Washington, D. C.

SEC. 6. *Licensed classifiers.*—Subject, in general, to the terms and conditions of regulation 11, any person may, upon presentation of evidence of competency, be licensed to grade or classify linters and to certificate the grade or other class thereof in accordance with the official standards of the United States for American cotton linters.

SEC. 7. *Fees and costs.*—The provisions of regulation 13 relating to fees and costs shall, so far as applicable, apply to services performed with respect to linters, but the fee for the classification with respect to grade, character, and color, or for the comparison of any linters shall be at the rate of 20 cents for each bale or sample involved.

SEC. 8. For the review of the classification or comparison of any linters the applicant shall pay a fee of 20 cents per bale.

SEC. 9. For the examination of an applicant for a license to classify linters the fee shall be \$10, but no additional charge shall be made for the issuance of a license to an applicant found to be properly qualified. For each renewal of such a license the fee shall be \$5.

SEC. 10. Practical forms of the official standards of the United States for American cotton linters will be furnished to any person, subject to the general terms and conditions specified in regulation 12 with respect to the practical forms of the official cotton standards of the United States, and upon prepayment of the costs thereof, which shall be at the rate of \$5 each, f. o. b. Washington, D. C., for shipments within the continental United States, and \$6.25 each, delivered to destination, for shipments outside the continental United States: *Provided*, That no practical form of any of the official standards of the United States for American cotton linters hereafter issued shall be considered as representing any of said standards after the date of its cancellation in accordance with these regulations, or, in any event, after the expiration of 12 months following the date of its certification.

SEC. 11. Three expositor types illustrating the staples and characters of linters as embraced in each of the grades Nos. 1 to 5 inclusive of the official standards of the United States for American cotton linters, will be supplied to each purchaser of copies of said official standards. To the extent that facilities permit, additional expositor types will be furnished to any such purchaser of copies of said standards at the rate of \$1 each (\$3 for each grade), f. o. b. Washington, D. C., for shipment within the continental United States, and \$1.25 each (\$3.75 for each grade) delivered to destination, for shipments outside the continental United States.

Regulation 15.—Adjustment of Disputes Arising From Contracts for the Shipment of Cotton From the United States

SECTION 1. Paragraph 1. When an association or exchange located in a country other than the United States shall adopt any of the official cotton standards of the United States and when the members of the committee of such association or exchange having final jurisdiction in the matter of appeals have been designated as cotton examiners by the chief of the bureau, such committee may be constituted for the purposes of this act a board of the Department of Agriculture and authorized to act as follows:

Par. 2. In so far as the exchange has adopted the universal standards, the committee may pass upon the classification of cotton involved in a dispute between a party in the United States and a party without the United States to a contract made under the rules of the association or exchange.

Par. 3. The submission of samples of cotton involved in such a dispute to such association or exchange or such committee in accordance with the rules of the association or exchange shall be deemed to be a submission to the Department of Agriculture.

Par. 4. Determinations of classification made by the boards so constituted shall be final. When so provided in the articles, rules, or by-laws of the association or exchange, such determinations may be evidenced by awards. If an award is made which does not state the classification, such board will, upon request of the owner or custodian of the cotton and the payment of a reasonable additional fee, issue a certificate showing in detail the true classification for grade and color of such cotton, based upon a comparison of the samples with the universal standards or with a type or other samples on which the cotton has been sold, as the case may be.

Sec. 2. The manner of procedure in submitting and handling samples, in classification, and in instituting and conducting arbitrations and appeals, shall be as prescribed in the articles, by-laws, and rules of the association or exchange.

Regulation 16.—Publications

SECTION 1. Publications under the act and these regulations may be made in service and regulatory announcements of the bureau and by such other means as the chief of the bureau shall from time to time designate for the purpose.

APPENDIX 1

UNITED STATES COTTON STANDARDS ACT

[Approved March 4, 1923, 42 Statutes at Large, page 1517]

AN ACT To establish and promote the use of the official cotton standards of the United States in interstate and foreign commerce; to prevent deception therein, and provide for the proper application of such standards; and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this act shall be known by the short title of "United States Cotton Standards Act."

SEC. 2. That it shall be unlawful (a) in or in connection with any transaction or shipment in commerce made after this act shall become effective, or (b) in any publication of a price or quotation determined in or in connection with any transaction or shipment in commerce after this act shall become effective, or (c) in any classification for the purposes of or in connection with a transaction or shipment in commerce after this act shall become effective, for any person to indicate for any cotton a grade or other class which is of or within the official cotton standards of the United States then in effect under this act by a name, description, or designation, or any system of names, description, or designation not used in said standards: *Provided*, That nothing herein shall prevent a transaction otherwise lawful by actual sample or on the basis of a private type which is used in good faith and not in evasion of or substitution for said standards.

SEC. 3. That the Secretary of Agriculture may, upon presentation of satisfactory evidence of competency, issue to any person a license to grade or otherwise classify cotton and to certificate the grade or other class thereof in accordance with the official cotton standards of the United States. Any such license may be suspended or revoked by the Secretary of Agriculture whenever he is satisfied, after reasonable opportunity afforded to the licensee for a hearing, that such licensee is incompetent or has knowingly or carelessly classified cotton improperly, or has violated any provision of this act or the regulations thereunder so far as the same may relate to him, or has used his license or allowed it to be used for any improper purpose. Pending investigation the Secretary of Agriculture, whenever he deems necessary, may suspend a license temporarily without a hearing.

SEC. 4. That any person who has custody of or a financial interest in any cotton may submit the same or samples thereof, drawn in accordance with the regulations of the Secretary of Agriculture, to such officer or officers of the Department of Agriculture, as may be designated for the purpose pursuant to the regulations of the Secretary of Agriculture for a determination of the true classification of such cotton or samples, including the comparison thereof, if requested, with types or other samples submitted for the purpose. The final certificate of the Department of Agriculture showing such determination shall be binding on officers of the United States and shall be accepted in the courts of the United States as prima facie evidence of the true classification or comparison of such cotton or samples when involved in any transaction or shipment in commerce. The Secretary of Agriculture shall fix rules and regulations for submitting samples of cotton for classification providing that all samples shall be numbered so that no one interested in the transaction involved shall be known by any classifier engaged in the classification of such cotton samples.

SEC. 5. That the Secretary of Agriculture may cause to be collected such charges as he may find to be reasonable for licenses issued to classifiers of cotton under section 3 and for determinations made under section 4 of this act, and the amounts so collected shall be used by the Secretary of Agriculture in paying expenses of the Department of Agriculture connected therewith.

SEC. 6. That the Secretary of Agriculture is authorized to establish from time to time standards for the classification of cotton by which its quality or value may be judged or determined for commercial purposes, which shall be known as the official cotton standards of the United States. Any such standard or change or replacement thereof shall become effective only on and after a date specified in the order of the Secretary of Agriculture establishing the same, which date shall be not less than one year after the date of such order: *Provided*, That the official cotton standards established, effective August 1, 1923, under the United States cotton futures act shall be at the same time the official cotton standards for the purpose of this act unless and until changed or replaced under this act. Whenever any standard or change or replacement thereof shall become effective under this act, it shall also, when so specified in the order of the Secretary of Agriculture, become effective for the purposes of the United States cotton futures act and supersede any inconsistent standard established under said act. Whenever the official cotton standards of the United States established under this act shall be represented by practical forms, the Department of Agriculture shall furnish copies thereof, upon request, to any person, and the cost thereof, as determined by the Secretary of Agriculture, shall be paid by the person making the request. The Secretary of Agriculture may cause such copies to be certified under the seal of the Department of Agriculture and may attach such conditions to the purchase and use thereof, including provision for the inspection, condemnation, and exchange thereof by duly authorized representatives of the Department of Agriculture, as he may find to be necessary to the proper application of the official cotton standards of the United States. Any moneys received from or in connection with the sale of cotton purchased for the preparation of such copies and condemned as unsuitable for such use or with the sale of such copies may be expended for the purchase of other cotton for such use.

SEC. 7. That in order to carry out the provisions of this act, the Secretary of Agriculture is authorized to cause the inspection, including the sampling, of any cotton involved in any transaction or shipment in commerce, wherever such cotton may be found, or of any cotton with respect to which a determination of the true classification is requested under section 4 of this act.

SEC. 8. That it shall be unlawful for any person (a) with intent to deceive or defraud, to make, receive, use, or have in his possession any simulate or counterfeit practical form or copy of any standard or part thereof established under this act; or (b) without the written authority of the Secretary of Agriculture, to make, alter, tamper with, or in any respect change any practical form or copy of any standard established under this act; or (c) to display or use any such practical form or copy after the Secretary of Agriculture shall have caused it to be condemned.

SEC. 9. That (a) any person who shall knowingly violate any provision of section 2 or 8 of this act, or (b) any person licensed under this act who, for the purposes of or in connection with any transaction or shipment in commerce, shall knowingly classify cotton improperly, or shall knowingly falsify or forge any certificate of classification, or shall accept money or other consideration, either directly or indirectly, for any neglect or improper performance of duty as such licensee, or (c) any person who shall knowingly influence improperly or attempt to influence improperly any person licensed under this act in the performance of his duties as such licensee relating to any transaction or shipment in commerce, or (d) any person who shall forcibly assault, resist, impede, or interfere with or influence improperly or attempt to influence improperly any person employed under this act in the performance of his duties, shall, upon conviction thereof, be deemed guilty of a misdemeanor and shall be fined not exceeding \$1,000, or imprisoned not exceeding six months, or both, in the discretion of the court.

SEC. 10. That for the purposes of this act the Secretary of Agriculture shall cause to be promulgated such regulations, may cause such investigations, tests, demonstrations, and publication to be made, including the investigation and determination of some practical method whereby repeated and unnecessary sampling and classification of cotton may be avoided, and may cooperate with any department or agency of the Government, any State, Territory, District, or possession, or department, agency, or political subdivision thereof, or any person, as he shall find to be necessary.

SEC. 11. That wherever used in this act, (a) the word "person" imports the plural or the singular, as the case demands, and includes an individual, a part-

nership, a corporation, or two or more persons having a joint or common interest; (b) the word "commerce" means commerce between any State or the District of Columbia and any place outside thereof, or between points within the same State or the District of Columbia but through any place outside thereof, or within the District of Columbia; and (c) the word "cotton" means cotton of any variety produced within the continental United States, including linters. When construing and enforcing the provisions of this act, the act, omission, or failure of any agent, officer, or other person acting for or employed by any person, within the scope of his employment or office, shall in every case be deemed also the act, omission, or failure of such person as well as that of such agent, officer, or other person.

SEC. 13. That if any provision of this act or the application thereof to any moneys in the Treasury not otherwise appropriated, such sums as may be necessary for carrying out the provisions of this act; and the Secretary of Agriculture is authorized, within the limits of such appropriations, to appoint, remove, and fix the compensations of such officers and employees, not in conflict with existing law, and make such expenditures for rent outside the District of Columbia, printing, telegrams, telephones, law books, books of reference, periodicals, furniture, stationery, office equipment, travel, and other supplies and expenses as shall be necessary to the administration of this act in the District of Columbia and elsewhere.

SEC. 13. That if any provision of this act or the application thereof to any person or circumstances is held invalid, the validity of the remainder of the act and the application of such provision to other persons and circumstances shall not be affected thereby.

SEC. 14. That this act shall become effective on and after August 1, 1923.

Approved, March 4, 1923.

APPENDIX 2

EXCERPT FROM THE ACT APPROVED MAY 16, 1928, MAKING APPROPRIATIONS FOR THE DEPARTMENT OF AGRICULTURE FOR THE FISCAL YEAR ENDING JUNE 30, 1929, AND FOR OTHER PURPOSES. (PUBLIC NO. 392, 70TH CONGRESS)

To enable the Secretary of Agriculture to carry into effect the provisions of the United States cotton futures act, as amended March 4, 1919, and to carry into effect the provisions of the United States cotton standards act, approved March 4, 1923, including all expenses necessary for the purchase of equipment and supplies; for travel; for the employment of persons in the city of Washington and elsewhere; and for all other expenses, including rent outside of the District of Columbia, that may be necessary in executing the provisions of these acts, including such means as may be necessary for effectuating agreements heretofore or hereafter made with cotton associations, cotton exchanges, and other cotton organizations in foreign countries, for the adoption, use, and observance of universal standards of cotton classification, for the arbitration or settlement of disputes with respect thereto, and for the preparation, distribution, inspection, and protection of the practical forms or copies thereof under such agreements. * * *

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